

TELECOMMUNICATION

International Telecommunication Union

**Amendments to the
Constitution and Convention
Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS**

Done at Marrakesh October 18, 2002



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MULTILATERAL

Telecommunication: International Telecommunication Union

*Amendments to the Constitution and Convention,
done at Marrakesh October 18, 2002;*

*Transmitted by the President of the United States of America
to the Senate July 10, 2006 (Treaty Doc. 109-11,
109th Congress, 2d Session);*

*Reported favorably by the Senate Committee on Foreign Relations
September 23, 2008 (Senate Executive Report No. 110-28,
110th Congress, 2d Session);*

*Advice and consent to ratification by the Senate
September 25, 2008;*

Ratified by the President January 15, 2009;

*Instrument of Ratification of the United States of America
deposited January 16, 2009;*

Entered into force for the United States January 16, 2009.

**INSTRUMENTS AMENDING
THE CONSTITUTION AND
THE CONVENTION
OF THE INTERNATIONAL
TELECOMMUNICATION UNION
(GENEVA, 1992)**

**as amended by the Plenipotentiary Conference
(Kyoto, 1994)
and by the Plenipotentiary Conference
(Minneapolis, 1998)**

INSTRUMENT AMENDING THE CONSTITUTION
OF THE INTERNATIONAL
TELECOMMUNICATION UNION*
(GENEVA, 1992)

as amended by the
Plenipotentiary Conference (Kyoto, 1994)
and by the
Plenipotentiary Conference (Minneapolis, 1998)

(Amendments adopted by the
Plenipotentiary Conference (Marrakesh, 2002))

PART I – Foreword

By virtue of and in implementation of the relevant provisions of the Constitution of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998), in particular those in Article 55 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Marrakesh, 2002) has adopted the following amendments to the said Constitution:

* In accordance with Resolution 70 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference on gender mainstreaming in ITU, the language used in the texts of the basic instruments of the Union (Constitution and Convention) is to be considered gender neutral.

CHAPTER I

Basic Provisions

ARTICLE 8

Plenipotentiary Conference

- MOD 51** *c)* in the light of its decisions taken on the reports referred to in
PP-98 No. 50 above, establish the strategic plan for the Union and the
basis for the budget of the Union, and determine related
financial limits, until the next plenipotentiary conference, after
considering all relevant aspects of the work of the Union in that
period;
- MOD 58A** *jbis)* adopt and amend the General Rules of conferences, assemblies
PP-98 and meetings of the Union;

ARTICLE 9

Principles Concerning Elections and Related Matters

- (MOD) 61** *a)* the Member States of the Council are elected with due regard to
the need for equitable distribution of the seats on the Council
among all regions of the world;
- MOD 62** *b)* the Secretary-General, the Deputy Secretary-General and the
PP-94 Directors of the Bureaux shall be elected among the candidates
PP-98 proposed by Member States as their nationals and shall all be
nationals of different Member States, and at their election due
consideration should be given to equitable geographical
distribution amongst the regions of the world; due consideration
should also be given to the principles embodied in No. 154 of
this Constitution;

- MOD 63** c) the members of the Radio Regulations Board shall be elected in
PP-94 their individual capacity from among the candidates proposed
PP-98 by Member States as their nationals. Each Member State may
propose only one candidate. The members of the Radio
Regulations Board shall not be nationals of the same Member
State as the Director of the Radiocommunication Bureau; at
their election, due consideration should be given to equitable
geographical distribution amongst the regions of the world and
to the principles embodied in No. 93 of this Constitution.
- MOD 64** 2 Provisions relating to taking up duties, vacancy and re-
eligibility are contained in the Convention.

ARTICLE 10

The Council

- (MOD) 66** 2) Each Member State of the Council shall appoint a person
to serve on the Council who may be assisted by one or more advisers.
- SUP* 67**
- MOD 70** 2) The Council shall consider broad telecommunication
PP-98 policy issues in accordance with the guidelines given by the
Plenipotentiary Conference to ensure that the Union's policies and
strategy fully respond to changes in the telecommunication
environment.
- ADD 70A** *2bis*) The Council shall prepare a report on the policy and
strategic planning recommended for the Union, together with their
financial implications, using the specific data prepared by the
Secretary-General under No. 74A below.

ARTICLE 11

General Secretariat

MOD 74A b)
PP-98

prepare, with the assistance of the Coordination Committee, and provide to the Member States and Sector Members, such specific information as may be required for the preparation of a report on the policies and strategic plan for the Union, and coordinate the implementation of the plan; this report shall be communicated to the Member States and Sector Members for review during the last two regularly scheduled sessions of the Council before a plenipotentiary conference;

CHAPTER II

Radiocommunication Sector

ARTICLE 14

Radio Regulations Board

- MOD 95 a) the approval of Rules of Procedure, which include technical
PP-98 criteria, in accordance with the Radio Regulations and with any
decision which may be taken by competent radiocommunication
conferences. These Rules of Procedure shall be used by the
Director and the Bureau in the application of the Radio
Regulations to register frequency assignments made by Member
States. These Rules shall be developed in a transparent manner
and shall be open to comment by administrations and, in case of
continuing disagreement, the matter shall be submitted to the
next world radiocommunication conference;

ADD

CHAPTER IVA

ADD

Working Methods of the Sectors

ADD 145A

The radiocommunication assembly, the world telecommunication standardization assembly and the world telecommunication development conference may establish and adopt working methods and procedures for the management of the activities of their respective Sectors. These working methods and procedures must be compatible with this Constitution, the Convention and the Administrative Regulations, and in particular Nos. 246D to 246H of the Convention.

CHAPTER V

**Other Provisions Concerning the Functioning
of the Union**

ARTICLE 28

Finances of the Union

MOD 159D *2ter* Expenses incurred by the regional conferences referred to in
PP-98 No. 43 of this Constitution shall be borne:

ADD 159E *a)* by all the Member States of the region concerned, in accordance
with their class of contribution;

ADD 159F *b)* by any Member States of other regions which have participated
in such conferences, in accordance with their class of
contribution;

ADD 159G *c)* by authorized Sector Members and other authorized
organizations which have participated in such conferences, in
accordance with the provisions of the Convention.

MOD 161E *4)* Bearing in mind the draft financial plan as revised, the
PP-98 plenipotentiary conference shall, as soon as possible, determine the
definitive upper limit of the amount of the contributory unit and set the
date, which shall be a date within the penultimate week of the
plenipotentiary conference, by which Member States, upon invitation
by the Secretary-General, shall announce their definitive choice of
class of contribution.

ARTICLE 32

MOD

**General Rules of Conferences, Assemblies
and Meetings of the Union**MOD 177
PP-98

1 The General Rules of conferences, assemblies and meetings of the Union adopted by the Plenipotentiary Conference shall apply to the preparation of conferences and assemblies and to the organization of the work and conduct of the discussions of conferences, assemblies and meetings of the Union, as well as to the election of Member States of the Council, of the Secretary-General, of the Deputy Secretary-General, of the Directors of the Bureaux of the Sectors and of the members of the Radio Regulations Board.

MOD 178
PP-98

2 Conferences, assemblies and the Council may adopt such rules as they consider to be essential in addition to those in Chapter II of the General Rules of conferences, assemblies and meetings of the Union. Such additional rules must, however, be compatible with this Constitution, the Convention and the aforesaid Chapter II; those adopted by conferences or assemblies shall be published as documents of the conference or assembly concerned.

CHAPTER VII

Special Provisions for radio

ARTICLE 44

Use of the Radio-Frequency Spectrum and of the Geostationary-Satellite and Other Satellite Orbits

(MOD) 195 1 Member States shall endeavour to limit the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. To that end, they shall endeavour to apply the latest technical advances as soon as possible.

CHAPTER VIII

Relations With the United Nations, Other International Organizations and Non-Member States

ARTICLE 50

Relations With Other International Organizations

MOD 206

In furtherance of complete international coordination on matters affecting telecommunication, the Union should cooperate with international organizations having related interests and activities.

CHAPTER IX

Final Provisions

ARTICLE 55

Provisions for Amending this Constitution

- MOD 224** 1 Any Member State may propose any amendment to this
PP-98 Constitution. Any such proposal shall, in order to ensure its timely transmission to, and consideration by, all the Member States, reach the Secretary-General not later than eight months prior to the opening date fixed for the plenipotentiary conference. The Secretary-General shall, as soon as possible, but not later than six months prior to the latter date, publish any such proposal for the information of all the Member States.
- MOD 228** 5 Unless specified otherwise in the preceding paragraphs of this
PP-98 Article, which shall prevail, the General Rules of conferences, assemblies and meetings of the Union shall apply.

ARTICLE 58

Entry into Force and Related Matters

- MOD 238** 1 This Constitution and the Convention, adopted by the
Additional Plenipotentiary Conference (Geneva, 1992), shall enter into force on 1 July 1994 between Member States having deposited before that date their instrument of ratification, acceptance, approval or accession.

PART II – Date of Entry into Force

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 2004 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the original of the present instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998).

Done at Marrakesh, 18 October 2002

INSTRUMENT AMENDING THE CONVENTION
OF THE INTERNATIONAL
TELECOMMUNICATION UNION*
(GENEVA, 1992)

as amended by the
Plenipotentiary Conference (Kyoto, 1994)
and by the
Plenipotentiary Conference (Minneapolis, 1998)

(Amendments adopted by the
Plenipotentiary Conference (Marrakesh, 2002))

PART I – Foreword

By virtue of and in implementation of the relevant provisions of the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998), in particular those in Article 42 thereof, the Plenipotentiary Conference of the International Telecommunication Union (Marrakesh, 2002) has adopted the following amendments to the said Convention:

* In accordance with Resolution 70 (Rev. Marrakesh, 2002) of the Plenipotentiary Conference on gender mainstreaming in ITU, the language used in the texts of the basic instruments of the Union (Constitution and Convention) is to be considered gender neutral.

CHAPTER I

Functioning of the Union

SECTION 1

ARTICLE 2

Elections and Related Matters

The Council

- (MOD) 11 a) when a Member State of the Council does not have a representative in attendance at two consecutive ordinary sessions of the Council;

Members of the Radio Regulations Board

- (MOD) 21 2 If, in the interval between two plenipotentiary conferences, a member of the Board resigns or is no longer in a position to perform his duties, the Secretary-General, in consultation with the Director of the Radiocommunication Bureau, shall invite the Member States of the region concerned to propose candidates for the election of a replacement at the next session of the Council. However, if the vacancy occurs more than 90 days before a session of the Council or after the session of the Council preceding the next plenipotentiary conference, the Member State concerned shall designate, as soon as possible and within 90 days, another national as a replacement who will remain in office until the new member elected by the Council takes office or until the new members of the Board elected by the next plenipotentiary conference take office, as appropriate. The replacement shall be eligible for election by the Council or by the Plenipotentiary Conference, as appropriate.

- MOD 22** 3 A member of the Radio Regulations Board is considered no longer in a position to perform his duties after three consecutive absences from the Board meetings. The Secretary-General shall, after consultation with the Board's Chairman as well as the member of the Board and the Member State concerned, declare existence of a vacancy in the Board and shall proceed as stipulated in No. 21 above.

ARTICLE 3

Other Conferences and Assemblies

- MOD 47** 7 In the consultations referred to in Nos. 42, 46, 118, 123 and 138
PP-98 of this Convention and in Nos. 26, 28, 29, 31 and 36 of the General Rules of conferences, assemblies and meetings of the Union, Member States which have not replied within the time-limits specified by the Council shall be regarded as not participating in the consultations, and in consequence shall not be taken into account in computing the majority. If the number of replies does not exceed one-half of the Member States consulted, a further consultation shall take place, the results of which shall be decisive regardless of the number of votes cast.

SECTION 2

ARTICLE 4

The Council

- MOD 57** 6 Only the travelling, subsistence and insurance expenses
PP-98 incurred by the representative of each Member State of the Council, belonging to the category of developing countries, the list of which is established by the United Nations Development Programme, in that capacity at Council sessions, shall be borne by the Union.

- MOD 60A** *9 bis* A Member State which is not a Member State of the Council may, with prior notice to the Secretary-General, send one observer at its own expense to meetings of the Council, its committees and its working groups. An observer shall not have the right to vote.
PP-98
- ADD 60B** *9 ter* Sector Members may be represented as observers at meetings of the Council, its committees and its working groups, subject to the conditions established by the Council, including conditions relating to the number of such observers and the procedures for appointing them.
- ADD 61A** *10 bis* While at all times respecting the financial limits as adopted by the Plenipotentiary Conference, the Council may, as necessary, review and update the strategic plan which forms the basis of the corresponding operational plans and inform the Member States and Sector Members accordingly.
- ADD* 61B** *10 ter* The Council shall adopt its own Rules of Procedure.
- ADD 62A** 1) receive and review the specific data for strategic planning that is provided by the Secretary-General as noted in No. 74A of the Constitution and, in the last but one ordinary session of the Council before the next plenipotentiary conference, initiate the preparation of a draft new strategic plan for the Union, drawing upon input from Member States, Sector Members and the Sector advisory groups, and produce a coordinated draft new strategic plan at least four months before that plenipotentiary conference;
- ADD 62B** 1 *bis*) establish a calendar for the development of strategic and financial plans for the Union, and of operational plans for each Sector and for the General Secretariat, so as to allow for the development of appropriate linkage among the plans;

MOD 73
PP-98

7) review and approve the biennial budget of the Union, and consider the budget forecast (included in the financial operating report prepared by the Secretary-General under No. 101 of this Convention) for the two-year period following a given budget period, taking account of the decisions of the Plenipotentiary Conference in relation to No. 50 of the Constitution and of the financial limits set by the Plenipotentiary Conference in accordance with No. 51 of the Constitution; it shall ensure the strictest possible economy but be mindful of the obligation upon the Union to achieve satisfactory results as expeditiously as possible. In so doing, the Council shall take into account the priorities established by the Plenipotentiary Conference as expressed in the strategic plan for the Union, the views of the Coordination Committee as contained in the report by the Secretary-General mentioned in No. 86 of this Convention and the financial operating report mentioned in No. 101 of this Convention;

MOD 79
PP-98

13) take any necessary steps, with the agreement of a majority of the Member States, provisionally to resolve questions not covered by the Constitution, this Convention and the Administrative Regulations and which cannot await the next competent conference for settlement;

MOD 81
PP-98

15) send to Member States, within 30 days after each of its sessions, summary records on the activities of the Council and other documents deemed useful;

SECTION 3

ARTICLE 5

General Secretariat

MOD 87A *dbis*) prepare annually a four-year rolling operational plan of
PP-98 activities to be undertaken by the staff of the General Secretariat
consistent with the strategic plan, covering the subsequent year
and the following three-year period, including financial
implications, taking due account of the financial plan as
approved by the plenipotentiary conference; this four-year
operational plan shall be reviewed by the advisory groups of all
three Sectors, and shall be reviewed and approved annually by
the Council;

SECTION 4

ARTICLE 6

Coordination Committee

(MOD) 111 4 A report shall be made of the proceedings of the Coordination
Committee and will be made available on request to Member States of
the Council.

SECTION 5

Radiocommunication Sector

ARTICLE 8

Radiocommunication Assembly

- ADD 129A** 1 *bis* The radiocommunication assembly is authorized to adopt the working methods and procedures for the management of the Sector's activities in accordance with No. 145A of the Constitution.
- ADD 136A** 7) decide on the need to maintain, terminate or establish other groups and appoint their chairmen and vice-chairmen;
- ADD 136B** 8) establish the terms of reference for the groups referred to in No. 136A above; such groups shall not adopt questions or recommendations.
- MOD 137A** 4 A radiocommunication assembly may assign specific matters
PP-98 within its competence, except those relating to the procedures contained in the Radio Regulations, to the radiocommunication advisory group indicating the action required on those matters.

ARTICLE 10

Radio Regulations Board

- MOD 140** 2 In addition to the duties specified in Article 14 of the Constitution, the Board shall:
- 1) consider reports from the Director of the Radiocommunication Bureau on investigations of harmful interference carried out at the request of one or more of the interested administrations, and formulate recommendations with respect thereto;
 - 2) also, independently of the Radiocommunication Bureau, at the request of one or more of the interested administrations, consider appeals against decisions made by the Radiocommunication Bureau regarding frequency assignments.

MOD 141 3 The members of the Board shall participate, in an advisory capacity, in radiocommunication conferences. In this case, they shall not participate in these conferences as members of their national delegations.

ADD 141A 3 *bis* Two members of the Board, designated by the Board, shall participate, in an advisory capacity, in plenipotentiary conferences and radiocommunication assemblies. In these cases, the two members designated by the Board shall not participate in these conferences or assemblies as members of their national delegations.

ADD 142A 4 *bis* The members of the Board shall, while in the exercise of their duties for the Union, as specified in the Constitution and Convention, or while on mission for the Union, enjoy functional privileges and immunities equivalent to those granted to the elected officials of the Union by each Member State, subject to the relevant provisions of the national legislation or other applicable legislation in each Member State. Such functional privileges and immunities are granted to members of the Board for the purposes of the Union and not for their personal advantage. The Union may and shall withdraw the immunity granted to a member of the Board whenever it considers that such immunity is contrary to the orderly administration of justice and its withdrawal is not prejudicial to the interests of the Union.

MOD 145 2) The Board shall normally hold up to four meetings a year, of up to five days' duration, generally at the seat of the Union, at which at least two-thirds of its members shall be present, and may carry out its duties using modern means of communication. However, if the Board deems necessary, depending upon the matters to be considered, it may increase the number of its meetings. Exceptionally, the meetings may be of up to two weeks' duration.

ARTICLE 11A

PP-98 Radiocommunication Advisory Group

MOD 160A 1 The radiocommunication advisory group shall be open to
PP-98 representatives of administrations of Member States and representa-
tives of Sector Members and to chairmen of the study groups and
other groups, and will act through the Director.

MOD 160C 1) review priorities, programmes, operations, financial
PP-98 matters and strategies related to radiocommunication assemblies,
study groups and other groups and the preparation of radiocom-
munication conferences, and any specific matters as directed by a
conference of the Union, a radiocommunication assembly or the
Council;

ADD 160CA 1 *bis*) review the implementation of the operational plan of
the preceding period in order to identify areas in which the Bureau
has not achieved or was not able to achieve the objectives laid down
in that plan, and advise the Director on the necessary corrective
measures;

ADD 160I 7) prepare a report for the Radiocommunication
Assembly on the matters assigned to it in accordance with No. 137A
of this Convention and transmit it to the Director for submission to
the assembly.

ARTICLE 12

Radiocommunication Bureau

MOD 164 a) coordinate the preparatory work of the study groups and other
PP-98 groups and the Bureau, communicate to the Member States and
Sector Members the results of this preparatory work, collect
their comments and submit a consolidated report to the
conference which may include proposals of a regulatory nature;

- MOD 165** *b)* participate as of right, but in an advisory capacity, in the deliberations of radiocommunication conferences, of the radiocommunication assembly and of the radiocommunication study groups and other groups. The Director shall make all necessary preparations for radiocommunication conferences and meetings of the Radiocommunication Sector in consultation with the General Secretariat in accordance with No. 94 of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;
- MOD 169** *b)* distribute to all Member States the Rules of Procedure of the Board, collect comments thereon received from administrations and submit them to the Board;
- MOD 170** *c)* process information received from administrations in application of the relevant provisions of the Radio Regulations and regional agreements and their associated Rules of Procedure and prepare it, as appropriate, in a form suitable for publication;
- MOD 175** 3) coordinate the work of the radiocommunication study groups and other groups and be responsible for the organization of that work;
- MOD 175B** 3 *ter*) take practical measures to facilitate the participation of
PP-98 developing countries in the radiocommunication study groups and other groups.
- MOD 180** *d)* submit to the world radiocommunication conference a report on the activities of the Radiocommunication Sector since the last conference; if a world radiocommunication conference is not planned, a report on the activities of the Sector covering the period since the last conference shall be submitted to the Council and, for information, to Member States and Sector Members;

- MOD 181A f)**
PP-98 prepare annually a rolling four-year operational plan that covers the subsequent year and the following three-year period, including financial implications of activities to be undertaken by the Bureau in support of the Sector as a whole; this four-year operational plan shall be reviewed by the radiocommunication advisory group in accordance with Article 11A of this Convention, and shall be reviewed and approved annually by the Council;

SECTION 6

Telecommunication Standardization Sector

ARTICLE 13

PP-98 World Telecommunication Standardization Assembly

- ADD 184A 1 bis** The world telecommunication standardization assembly is authorized to adopt the working methods and procedures for the management of the Sector's activities in accordance with No. 145A of the Constitution.
- MOD 187 a)**
PP-98 consider the reports of study groups prepared in accordance with No. 194 of this Convention and approve, modify or reject draft recommendations contained in those reports, and consider the reports of the telecommunication standardization advisory group in accordance with Nos. 197H and 197I of this Convention;
- ADD 191 bis f)** decide on the need to maintain, terminate or establish other groups and appoint their chairmen and vice-chairmen;
- ADD 191 ter g)** establish the terms of reference for the groups referred to in No. 191 *bis* above; such groups shall not adopt questions or recommendations.

MOD 191B 5 A world telecommunication standardization assembly shall be
PP-98 presided over by a chairman designated by the government of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union, by a chairman elected by the assembly itself. The chairman shall be assisted by vice-chairmen elected by the assembly.

ARTICLE 14A

PP-98 Telecommunication Standardization Advisory Group

MOD 197A 1 The telecommunication standardization advisory group shall be
PP-98 open to representatives of administrations of Member States and representatives of Sector Members and to chairmen of the study groups and other groups.

ADD 197CA 1 *bis*) review the implementation of the operational plan of the preceding period in order to identify areas in which the Bureau has not achieved or was not able to achieve the objectives laid down in that plan, and advise the Director on the necessary corrective measures;

ARTICLE 15

Telecommunication Standardization Bureau

MOD 200 a) update annually the work programme approved by the world
PP-98 telecommunication standardization assembly, in consultation with the chairmen of the telecommunication standardization study groups and other groups;

- MOD 201** *b)* participate, as of right, but in an advisory capacity, in the
PP-98 deliberations of world telecommunication standardization assemblies and of the telecommunication standardization study groups and other groups. The Director shall make all necessary preparations for assemblies and meetings of the Telecommunication Standardization Sector in consultation with the General Secretariat in accordance with No. 94 of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council concerning these preparations;
- MOD 205A** *g)* prepare annually a rolling four-year operational plan that covers
PP-98 the subsequent year and the following three-year period, including financial implications of activities to be undertaken by the Bureau in support of the Sector as a whole; this four-year operational plan shall be reviewed by the telecommunication standardization advisory group in accordance with Article 14A of this Convention, and shall be reviewed and approved annually by the Council;

SECTION 7

Telecommunication Development Sector

ARTICLE 16

Telecommunication Development Conferences

- ADD 207A** 1 The world telecommunication development conference is
authorized to adopt the working methods and procedures for the management of the Sector's activities in accordance with No. 145A of the Constitution.
- ADD 209A** *abis)* decide on the need to maintain, terminate or establish other groups and appoint their chairmen and vice-chairmen;

ADD 209B *ater)* establish the terms of reference for the groups referred to in No. 209A above; such groups shall not adopt questions or recommendations.

MOD 210 *b)* regional telecommunication development conferences shall consider questions and priorities relating to telecommunication development, taking into account the needs and characteristics of the region concerned, and may also submit recommendations to world telecommunication development conferences;

MOD 213A *3* A telecommunication development conference may assign specific matters within its competence to the telecommunication development advisory group, indicating the recommended action on those matters.
PP-98

ARTICLE 17A

PP-98

Telecommunication Development Advisory Group

MOD 215C *1* The telecommunication development advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen and vice-chairmen of study groups and other groups.
PP-98

ADD 215EA *1 bis)* review the implementation of the operational plan of the preceding period in order to identify areas in which the Bureau has not achieved or was not able to achieve the objectives laid down in that plan, and advise the Director on the necessary corrective measures.

ADD 215JA *6 bis)* prepare a report for the world telecommunication development conference on the matters assigned to it in accordance with No. 213A of this Convention and transmit it to the Director for submission to the conference.

ARTICLE 18

PP-98

Telecommunication Development Bureau

- MOD 218 a) participate as of right, but in an advisory capacity, in the deliberations of the telecommunication development conferences and of the telecommunication development study groups and other groups. The Director shall make all necessary preparations for conferences and meetings of the Telecommunication Development Sector in consultation with the General Secretariat in accordance with No. 94 of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council in carrying out these preparations;
- MOD 223A g) prepare annually a rolling four-year operational plan that covers the subsequent year and the following three-year period, including financial implications of activities to be undertaken by the Bureau in support of the Sector as a whole; this four-year operational plan shall be reviewed by the telecommunication development advisory group in accordance with Article 17A of this Convention, and shall be reviewed and approved annually by the Council;

PP-98

CHAPTER II

MOD PP-98

**Specific Provisions Regarding
Conferences and Assemblies**

ARTICLE 23

MOD

Admission to Plenipotentiary Conferences

SUP* 255 to 266

- (MOD) 267 1 The following shall be admitted to plenipotentiary conferences:
- ADD 268A b) the elected officials, in an advisory capacity;
- ADD 268B c) the Radio Regulations Board, in accordance with No. 141A of this Convention, in an advisory capacity;
- MOD 269 d) observers of the following organizations, agencies and entities:
PP-94
- ADD* 269A i) the United Nations;
- ADD* 269B ii) regional telecommunication organizations mentioned in Article 43 of the Constitution;
- ADD* 269C iii) intergovernmental organizations operating satellite systems;
- ADD* 269D iv) the specialized agencies of the United Nations and the International Atomic Energy Agency;
- ADD* 269E v) Sector Members referred to in Nos. 229 and 231 of this Convention and organizations of an international character representing them.
- ADD* 269F 2 The General Secretariat and the three Bureaux of the Union shall be represented at the conference in an advisory capacity.

ARTICLE 24

MOD Admission to Radiocommunication Conferences**SUP* 270 to 275**

(MOD) 276 1 The following shall be admitted to radiocommunication conferences:

(MOD) 278 b) observers of organizations and agencies referred to in Nos. 269A to 269D of this Convention;

MOD 279 c) observers of other international organizations invited by the government and admitted by the conference in accordance with the relevant provisions of Chapter I of the General Rules of conferences, assemblies and meetings of the Union;

SUP* 281

(MOD) 282 e) observers of Member States participating in a non-voting capacity in a regional radiocommunication conference of a region other than that to which the said Member States belong;
PP-98

ADD* 282A f) in an advisory capacity, the elected officials, when the conference is discussing matters coming within their competence, and the members of the Radio Regulations Board.

ARTICLE 25

**MOD PP-98 Admission to Radiocommunication Assemblies,
World Telecommunication Standardization
Assemblies and Telecommunication
Development Conferences**

SUP* 283 to 294

(MOD) 295 1 The following shall be admitted to the assembly or conference:

MOD 297 b) observers of the following organizations and agencies:

SUP* 298

ADD* 298A *i)* regional telecommunication organizations mentioned in Article 43 of the Constitution;

ADD* 298B *ii)* intergovernmental organizations operating satellite systems;

ADD* 298C *iii)* any other regional organization or other international organization dealing with matters of interest to the assembly or conference;

ADD* 298D *iv)* the United Nations;

ADD* 298E *v)* the specialized agencies of the United Nations and the International Atomic Energy Agency;

ADD* 298F c) representatives of Sector Members concerned.

ADD 298G 2 The elected officials, the General Secretariat and the Bureaux of the Union, as appropriate, shall be represented at the assembly or conference in an advisory capacity. Two members of the Radio Regulations Board, designated by the Board, shall participate in radiocommunication assemblies in an advisory capacity.

SUP* ARTICLE 26

SUP* ARTICLE 27

SUP* ARTICLE 28

SUP* ARTICLE 29

SUP* ARTICLE 30

ARTICLE 31

Credentials for Conferences

MOD 334 5 Credentials shall be deposited with the secretariat of the
PP-98 conference as early as possible; to that end, Member States should send their credentials, prior to the opening date of the conference, to the Secretary-General who shall transmit them to the secretariat of the conference as soon as the latter has been established. The committee referred to in No. 68 of the General Rules of conferences, assemblies and meetings of the Union shall be entrusted with the verification thereof and shall report on its conclusions to the Plenary Meeting within the time specified by the latter. Pending the decision of the Plenary Meeting thereon, any delegation shall be entitled to participate in the conference and to exercise the right to vote of the Member State concerned.

Rules of Procedure

**MOD General Rules of Conferences, Assemblies
and Meetings of the Union**

MOD 340 2 The General Rules of conferences, assemblies and meetings of
PP-98 the Union shall apply without prejudice to the amendment provisions
contained in Article 55 of the Constitution and in Article 42 of this
Convention.

CHAPTER IV

Other Provisions

ARTICLE 33

Finances

MOD 476 4 1) The organizations referred to in Nos. 269A to 269E of
PP-94 this Convention and other organizations of an international character
PP-98 (unless they have been exempted by the Council, subject to reciprocity)
and Sector Members which participate, in accordance with the
provisions of this Convention, in a plenipotentiary conference, in a
conference, assembly or meeting of a Sector of the Union, or in a
world conference on international telecommunications, shall share in
defraying the expenses of the conferences, assemblies and meetings in
which they participate on the basis of the cost of these conferences and
meetings and in accordance with the Financial Regulations.
Nevertheless, Sector Members will not be charged separately for their
attendance at a conference, assembly or meeting of their respective
Sectors, except in the case of regional radiocommunication
conferences.

CHAPTER VI

Arbitration and Amendment

ARTICLE 42

Provisions for Amending this Convention

MOD 523 5 Unless specified otherwise in the preceding paragraphs of this
PP-98 Article, which shall prevail, the General Rules of conferences,
assemblies and meetings of the Union shall apply.

PART II – Date of Entry into Force*

The amendments contained in the present instrument shall, as a whole and in the form of one single instrument, enter into force on 1 January 2004 between Member States being at that time parties to the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992), and having deposited before that date their instrument of ratification, acceptance or approval of, or accession to, the present amending instrument.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed the original of the present instrument amending the Convention of the International Telecommunication Union (Geneva, 1992), as amended by the Plenipotentiary Conference (Kyoto, 1994) and by the Plenipotentiary Conference (Minneapolis, 1998).

Done at Marrakesh, 18 October 2002



Final Acts of the Plenipotentiary Conference (Marrakesh, 2002)

Instruments amending
the Constitution
and the Convention
of the International Telecommunication Union
(Geneva, 1992)
as amended by the
Plenipotentiary Conference (Kyoto, 1994)
and by the Plenipotentiary Conference (Minneapolis, 1998)

General Rules of Conferences,
Assemblies and Meetings of the Union

Decisions
Resolutions
Recommendations

COPIE
certifiée conforme à l'original

Genève, le **23 SEP. 2003**

Le Secrétaire général
de l'Union Internationale des
télécommunications

[NOTE BY THE DEPARTMENT OF STATE: THE FINAL ACTS ARE COMPOSED OF THE INSTRUMENTS AMENDING THE CONSTITUTION AND CONVENTION OF THE INTERNATIONAL TELECOMMUNICATION UNION (GENEVA, 1992) AS AMENDED BY THE PLENIPOTENTIARY CONFERENCE (KYOTO, 1994) AND BY THE PLENIPOTENTIARY CONFERENCE (MINNEAPOLIS, 1998); DECLARATIONS AND RESERVATIONS; GENERAL RULES OF CONFERENCES, ASSEMBLIES AND MEETINGS OF THE INTERNATIONAL TELECOMMUNICATION UNION; DECISIONS; RESOLUTIONS (AND A LIST OF RESOLUTIONS ABROGATED BY THE PLENIPOTENTIARY CONFERENCE); AND RECOMMENDATIONS. ONLY THE AMENDMENTS AND THE U.S. DECLARATIONS AND RESERVATIONS REQUIRE RATIFICATION BY THE UNITED STATES.]